

1 JOHN B. BULGOZDY (Cal. Bar No. 219897)
E-mail: bulgozdyj@sec.gov
2 DAVID J. VAN HAVERMAAT (Cal. Bar No. 175761)
E-mail: vanhavermaatd@sec.gov
3

4 Attorneys for Plaintiff
Securities and Exchange Commission
Michele Wein Layne, Regional Director
5 John W. Berry, Regional Trial Counsel
444 S. Flower Street, Suite 900
6 Los Angeles, California 90071
Telephone: (323) 965-3998
7 Facsimile: (213) 443-1904
8

9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 vs.
14

15 TOTAL WEALTH MANAGEMENT, INC.
and JACOB KEITH COOPER,

16 Defendants.
17

Case No. 15-cv-226-BAS (DHBx)

**PLAINTIFF SECURITIES AND
EXCHANGE COMMISSION'S
RESPONSE TO MOTION OF
RECEIVER, KRISTEN A.
JANULEWICZ, FOR
AUTHORITY TO PURSUE
CLAIMS AGAINST PRIVATE
PLACEMENT CAPITAL
NOTES II, LLC AND ANTHONY
("TONY") HARTMAN**

18 Date: December 14, 2015
19 Time: Not applicable
Ctm: 4B
Judge: Hon. Cynthia Bashant
20
21
22
23
24
25
26
27
28

1 Plaintiff Securities and Exchange Commission (“SEC”) respectfully files
2 this response to the Motion of Receiver, Kristen A. Janulewicz, for Authority to
3 Pursue Claims Against Private Placement Capital Notes II, LLC and Anthony
4 (“Tony”) Hartman (Dkt. No. 57).

5 The SEC does not oppose, and in fact supports, the proposed actions by the
6 Receiver, which seeks to recover funds for the benefit of the defrauded investors.
7

8 Dated: November 24, 2015

/s/ John B. Bulgozdy

John B. Bulgozdy
David J. Van Havermaat
Attorneys for Plaintiff
Securities and Exchange Commission

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

[X] U.S. SECURITIES AND EXCHANGE COMMISSION
444 S. Flower Street, Suite 900, Los Angeles, California 90071-9591
Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

On November 24, 2015, I caused to be served the document entitled **PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S RESPONSE TO MOTION OF RECEIVER, KRISTEN A. JANULEWICZ, FOR AUTHORITY TO PURSUE CLAIMS AGAINST PRIVATE PLACEMENT CAPITAL NOTES II, LLC AND ANTHONY ("TONY") HARTMAN** on all the parties to this action addressed as stated on the attached service list:

[] **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

[] **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

[] **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

[] **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

[X] **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

[X] **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

[X] **E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

[] **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: November 24, 201

/s/ John B. Bulgozdy
John B. Bulgozdy

SEC v. Total Wealth Management, Inc., et al.
United States District Court – Southern District of California
Case No. 13:15-cv-00226-BAS-DHB

SERVICE LIST

BY ECF:

Vincent J. Brown, Esq. (served by CM/ECF only)
VJB Law Offices
977 Sigsbee Street
San Diego, CA 92113
Email: vince@vjblaw.com
Attorney for Defendant Jacob Keith Cooper

Joshua del Castillo, Esq. (served by CM/ECF only)
David Zaro, Esq. (served by electronic mail only)
Allen Matkins Leck Gamble Mallory & Natsis LLP
515 S. Figueroa Street, 9th Floor
Los Angeles, CA 90071
Email: jdelcastillo@allenmatkins.com
Email: dzaro@allenmatkins.com
Attorneys for Court-Appointed Receiver Kristin Janulewicz

BY UPS OVERNIGHT:

Jacob Keith Cooper
370 East Silver Hawk Court
Washington, UT 84780